

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed August 3, 2022 (ECF No. 55), are adopted in
3 full.

4 2. Petitioner's motion to add claims (ECF No. 47), which the court construes as a motion
5 to amend his § 2254 petition, is denied.

6 3. Within 30 days from the date of this order, petitioner may file a first amended § 2254
7 petition **adding only newly exhausted claims two and four** if he chooses to pursue them. If
8 petitioner chooses to abandon these claims, he may file a notice indicating his intention to
9 proceed on the claims pending in his original § 2254 petition.

10 4. This matter is referred back to the magistrate judge for all further matters.

11 DATED: January 12, 2023.

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13 CHIEF UNITED STATES DISTRICT JUDGE
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